

Remarks:

Applicant has studied the Office Action dated July 19, 2006, and has amended the claims to distinctively claim the subject matter of the invention. By the virtue of this amendment, claims 1, 10 and 21 have been amended. Claims 15-16 were previously canceled.

No new matter has been added. Support for the claims and the amendments is found within the specification and the drawings, particularly on pages 7-9 of the original disclosure. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Allowable Subject Matter:

Applicant wishes to thank the Examiner for finding claim 21 allowable because the cited references fail to teach a “ground divider” comprising “a first ground separation element for isolating the receiver [sic] ground from the common [sic] ground; and a second ground separation element for isolating the transmitter ground from the common ground.” (See pg. 8, par. 7, of the Final Office Action).

Claims 1 and 10 are amended to incorporate the ground divider element noted above. Therefore, claims 1 and 10 and the respective dependent claims 2-9 and 11-14, 17-20 should be in condition for allowance by the virtue of incorporating the elements of an allowable claim.

§103 Rejection(s):

Claims 1, 5-6, 10, 13-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over US 6,195,535 to Kurchuk ('535) and US 5,896,563 to Kawanami ('563). Please note that in the Final Office Action Kurchuk is erroneously identified as "Ketchup" and Kawanami is erroneously identified as "Kawasaki."

Claims 2-4, 7, 11-12, 17, 9, 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over the '535 and '563 references in further view of UK2277650 ('650) to Sugawara.

Claims 8, 18-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘535, ‘563 and ‘650 references in further view of US 2002/0115436 (‘436) to Howell.

Due to the amended language recited in claims 1 and 10, the above grounds of rejection with respect to claims 1-14 and 17-20 are now moot.

Regarding amended claim 21, Applicant has carefully reviewed all the cited references including column 4, line 51 to column 5 line 9 of the ‘563 reference mentioned in the Final Office Action, page 3. Respectfully, Applicant cannot find any portion of the cited references that teach or suggest a ground divider, as claimed in amended claim 21, for “dividing grounds for the receiver, the transmitter, and the switching mechanism, such that electrical components of the receiver are coupled to a receiver ground exclusive to the receiver, components of the transmitter are coupled to a transmitter ground exclusive to the transmitter, and components of the switching mechanism are coupled to a common ground.”

The ‘535 references is related to a transceiver for high power wireless telephones, wherein the transceiver has an over voltage protection circuit that does not run off during voice or data reception. During reception, if the output signal of the receiver exceeds a predetermined value, then a switch that connects the antenna to the transceiver is switched to an attenuated mode (see col. 2, lns. 36-60). It is noteworthy that the disclosure of ‘535 is limited to a “cordless telephone system 10” (see col. 3, lns. 35-36) and that it does not support a time division synchronous CDMA (TD-CDMA) system such as that recited in claim 21.

Furthermore, the Applicant has reviewed the ‘563 reference thoroughly and is unable to find any teaching, disclosure or suggestion for a ground divider, as claimed in claim 21, for “dividing grounds for the receiver, the transmitter, and the switching mechanism, such that electrical components of the receiver are coupled to a receiver ground exclusive to the receiver, components of the transmitter are coupled to a transmitter ground exclusive to the transmitter, and components of the switching mechanism are coupled to a common ground.”

The Examiner on page 3 of the Office Action refers to column 4, line 51 to column 5 line 9 and Figures 1 and 2 of the '563 reference contending that the cited portion teaches a ground divider coupled to a "common ground." Respectfully, it is not clear to the Applicant which Figure 2 the Examiner is referring to. There are several figures, namely, FIGS. 2A through 2E. Based on the Applicants review, FIGS. 1 and 2A disclose a "ground" connected to a "resistor 11" and a "changeover switch 10".

Despite of a careful review, the Applicant has not been able to find any teaching in the '563 reference or any of the other cited references to the concept of maintaining "grounds" that are "exclusive" to the transmitter and the receiver such that the receiver and the transmitter grounds remain isolated from the common ground.

The '650 reference is directed to a high frequency amplifier that has an amplifying transistor whose operation mode can be selectively switched between active and inactive modes. The Examiner cites this reference contending that it can be combined with the '563 and the '535 references and that the combination of the two references teaches an antenna coupled to a circulator and a reception filter (i.e., filter 29 in the receiver circuit section 21 of Fig. 1), in the same manner as recited in the claim 21. This ground of rejection is respectfully traversed.

The '650 reference neither alone nor in combination with the other cited references teach, suggest or disclose a ground divider, as claimed in claim 1, for "dividing grounds for the receiver, the transmitter, and the switching mechanism, such that electrical components of the receiver are coupled to a receiver ground exclusive to the receiver, components of the transmitter are coupled to a transmitter ground exclusive to the transmitter, and components of the switching mechanism are coupled to a common ground."

The '436 reference is directed to a self-contained "telematics system" for adjusting the transmission frequency period of location data and prioritizing the data sent from a remote unit to a base station, wherein the base station determines if the unit has moved beyond a predetermined perimeter (see Abstract). The Examiner cites this reference contending that it can be combined with the '563, the '535 and the '650 references to teach a "ferrite bead" in the

manner recited in the claims. This ground of rejection is also traversed, because the '435 reference also fails to teach, suggest or disclose a ground divider, as claimed in claim 21, whether alone or in combination with the other cited references.

The Examiner contends that it would have been obvious to combine the four cited references, however, she fails to provide an adequate motivation for combining the references, other than relying on hindsight stating that the combination "would have been obvious to an artisan of ordinary skill."

Prior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining the teachings." In re Sernaker, 217 USPQ 1, 6 (Fed. Cir. 1983). Further, it is well settled that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Since obviousness may not be established by hindsight reconstruction or conjecture, Applicant invites the Examiner to point out the alleged motivation to combine with specificity,¹ or alternatively provide a reference or affidavit in support thereof pursuant to MPEP §2144.03.²

It is also respectfully submitted that the cited prior art references are not relevant and cannot be combined to teach the claimed invention. Further, even if one is modified in accordance to the teaching of the other, the resultant modification would be an impractical or inoperable combination as the systems are independently complex and cannot be easily modified to work with each other. Further, there is no indication in the Office Action, how such combination is possible.

¹ *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

² "The rationale supporting an obviousness rejection may be based on common knowledge in the art or "well-known" prior art . . . If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position. When a rejection is based on facts within the personal knowledge of the examiner . . . the facts must be supported, when called for by the applicant, by an affidavit from the examiner."

Even if the systems can be combined, the resultant combination will not function to accomplish the claimed functionality of the ground divider for “dividing grounds for the receiver, the transmitter, and the switching mechanism, such that electrical components of the receiver are coupled to a receiver ground exclusive to the receiver, components of the transmitter are coupled to a transmitter ground exclusive to the transmitter, and components of the switching mechanism are coupled to a common ground. ”

“In rejecting claims under 35 U.S.C. §103, the Examiner bears the initial burden of presenting a prima facie case of obviousness. ‘A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.’ In re Rijkenaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). Respectfully, the Examiner has failed to establish a prima facie case of obviousness.

For the above reasons, the invention as recited in amended claim 21 is distinguishable over the references cited by the Examiner and should be allowed.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have expressly argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,
Lee, Hong, Degerman, Kang & Schmadeka

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By:



Lew Edward V. Macapagal
Registration No. 55,416
Attorney(s) for Applicant

Customer No. 35884